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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Fifteenth session

SUMMARY RECORD OF THE 38th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 25 November 1996, at 3 p.m.

Chairperson: Mr. ALSTON

later: Mr. GRISSA

later: Mr. ALSTON

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GE.96-19324 (E)

The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 4) (continued)

Third periodic report of Finland (continued) (E/1994/104/Add.7; E/C.12/Q/FIN.1; E/C.12/CA/27)

1. At the invitation of the Chairperson, the Finnish delegation took places at the Committee table.

Implementation of article 7 (continued)

2. In reply to questions put at the previous meeting, Mr. SALMENPERÄ (Finland) stated that the number of hours of overtime worked had decreased from 2.1 per cent of total working time in 1989 to 1.8 per cent in 1995.

3. Mrs. KAIVOSOJA (Finland) pointed out that primary, secondary and university education and vocational training were free for both Finnish nationals and foreigners. However, only foreigners established in Finland for at least two years or refugees could receive higher education bursaries.

Implementation of article 8

4. Mr. WIMFR ZAMBRANO asked which were the essential services in which the right to strike was restricted.

5. Mr. TEXIER, recalling the observations of the ILO Committee of Experts on the Application of Conventions and Recommendations, was pleased to learn that foreigners in Finland could now form trade unions freely. He requested further explanations on the written reply of the Government of Finland (document without serial number, in English only) to question No. 26 in the list of issues to be taken up (E/C.12/Q/FIN.1) stating that the Collective Agreements Act (7 June 1946/436) prohibited the parties to a collective agreement from engaging in any action running counter to the provisions of that agreement.

6. Mr. SALMENPERÄ (Finland) stated that, for example, the national defence and police forces were deemed to be essential services. Finnish legislation concerning trade unions was among the most liberal in Europe. Strike action in breach of the provisions of a collective agreement was illegal if it took place during the period of validity of the agreement; however, such strikes were becoming increasingly rare. For purposes of interpretation of the terms of a collective agreement, arbitration by the probiviral courts could be sought.

7. Mr. WIMER ZAMBRANO asked whether medical services were included among the essential services in which the right to strike was limited.

8. Mr. SALMENPERÄ (Finland) replied that the personnel in that sector had themselves restricted their right to strike in order to guarantee a minimum level of service in the event of a social dispute; the Government had not had to intervene.

9. Mr. MARCHAN ROMERO, referring to the 1995 report of the United States State Department, quoted in the country analysis relating to Finland (E/C.12/CA/27, p. 14) asked what was understood in Finland by the term "wildcat strikes".

10. Mr. SALMENPERÄ (Finland) stated that in Finland the term applied to strikes which ran counter to the provisions of a collective agreement.

11. Mr. GRISSA said that as a general rule the term referred to strikes not called by the trade unions.

Implementation of article 9

12. Ms. JIMENEZ BUTRAGUEÑO requested additional information on old-age pensions, the pensions payable at national level or the occupational (employment) pensions mentioned in paragraph 197 of the report. She asked whether the amounts of the pensions paid respectively in the private and public sectors differed, and whether recipients of survivors' benefits received them in full once they reached the requisite age.

13. Mr. TEXIER, referring to the communication from the Finnish League for Human Rights quoted in the country analysis (E/C.12/CA/27, pp. 14 and 15), asked whether the reason for reducing all social benefits during the 1990s had been to comply with the convergence criteria for entry into the Economic and Monetary Union. A reduction of those benefits in order to reduce public indebtedness was unquestionably prejudicial to the population.

14. Mr. MIMER ZAMBRANO expressed his concern at the fact that, according to the communication previously mentioned, the Government was seeking to abolish the minimum benefit payable to persons falling ill and that in future the allowance would be paid only to persons with a regular source of income. Young persons, who were very often without incomes, would be particularly affected by such a measure. He requested explanations on the subject.

15. Mr. SALMENPERÄ (Finland) considered that it was difficult to evaluate the extent to which the reduction in social benefits had been dictated by the convergence criteria of the Maastricht Agreements. However, a reduction in the burden of indebtedness had been essential, otherwise Finland would have ceased to be a valid economic partner. Without a stable economy a reduction in unemployment was impossible. Consequently social expenditure had to be pared down. Even so, the level of social benefits remained high.

16. Ms. JOUTTIMÄKI (Finland) emphasized that social protection remained important. It rested on the principle of ensuring basic protection for all citizens, irrespective of age, sex, social origin or physical or mental handicap. Notwithstanding the economic recession, the basic social services had been improved in both quantitative and qualitative terms. Access to these

services was also open to foreigners legally established in Finland. Illegal immigrants could apply for the status of asylum-seeker in order to obtain social protection.

17. In January 1996 the legislation on pensions had been amended. Previously individuals could draw both an occupational pension and the national old-age pension simultaneously. That was no longer the case. Individuals entitled to a full occupational pension were no longer entitled to the national pension. The national pensions scheme was established during the 1960s, when most retired persons were drawing only partial pensions.

18. Mr. SALMENPERÄ (Finland) explained that individuals who had not paid sufficient contributions into an occupational pension fund could receive the national pension, which guaranteed them a minimum income.

19. Mr. GRISSA observed that in 1960, 7.8 per cent of the population was over 65 years of age. Currently the proportion was 20 per cent. He asked whether a raising of the retirement age was contemplated to ensure the long-term viability of the pensions system.

20. In Finland the duration of maternity leave ranged from 18 to 46 weeks. He asked by what criteria the duration of maternity leave was determined.

21. Mr. WIMER ZAMBRANO asked for a precise answer to his question. He drew attention to a statement in the communication from the Finnish League for Human Rights reproduced in document E/C.12/CA/27 to the effect that "in the future only those with a regular source of income would receive sickness benefits". However, according to the statement by the delegation, that was not to be the case. That contradiction deserved explanation.

22. Mr. ADEKUOYE felt that municipalities had rather too much room for manoeuvre in the administration of the social security system; that situation might well create areas of discrimination. For instance, according to the Finnish League for Human Rights, certain municipalities had refused applications for benefits submitted by students on the grounds that those who had taken out study loans had incomes, even where in fact the banks had refused to grant loans. It would be desirable that the regulations concerning social security should be applied uniformly throughout the country.

23. He was concerned at the situation of students who were not entitled to social benefits because they had no income, especially in cases where the family provider had died.

24. He also requested information on the special assistance scheme designed for refugees who were not deemed to be resident, whereas those who were resident enjoyed social security coverage.

25. Ms. JOUTTIMÄKI (Finland) gave a number of explanations concerning pension insurance. There was no ceiling on the amount of an occupational pension; either spouse could receive a survivor's pension; individuals with no occupational pension received a "national (old-age) pension", and possibly other benefits as well; the Constitution laid down the fundamental right of everyone to basic social benefits; the sickness insurance system had in fact

been amended in January 1996 withdrawing entitlements to the minimum daily sickness benefit from individuals with no income or very small incomes. However, after the sixtieth day of sickness an allowance of FMK 60 was paid to individuals with annual incomes of less than FMK 5,000 to compensate for the incapacity for work. The attitude of the legislature was that individuals should save to be able to cope with temporary ill-health.

26. Following numerous criticisms directed at the new system, the responsible authorities had undertaken a study of the reform, the findings of which would become available during the first half of 1997.

27. Ms. JOUTTIMÄKI emphasized that in practice health care in Finland was extremely cheap and that one could always obtain treatment in a hospital under the basic social protection scheme.

28. Ms. JIMENEZ BUTRAGUEÑO said that under the new legislation as she understood it, individuals who were not entitled to a contributory occupational pension received a national pension, while those who had contributed to an occupational pension fund during their working lives received the pensions to which their contributions entitled them. She asked whether, if that was the case, the information contained in paragraph 200 of the report, and in particular the last sentence, was still valid. If not, there was probably a group of persons who had suffered prejudice. She asked whether transitional provisions had been adopted to protect the acquired rights of those individuals in accordance with the Committee's General Observation No. 3.

29. She also asked whether spouses of either sex were entitled to survivors' pensions even if they had not worked in Finland and whether, as in certain countries, a widow entered a much less favoured category on reaching age 65 and thus became a victim of discrimination.

30. Finally, she asked whether an upper age limit had been fixed for retirement.

31. Mr. SALMENPERÄ (Finland), in reply to Mr. Grissa's questions, recognized that the ageing of the population was giving rise to a problem. For that reason it had been decided to raise the normal retirement age to 65, but no higher. However, that decision did not have retroactive effect and did not apply to persons whose employment relationships had begun after 1992. If the annual growth rate remained at the 3 per cent level, the social security and pensions system should not give rise to insurmountable problems.

32. Maternity leave was in fact parental leave of 263 days' duration, which could be used wholly or in part by either of the parents as they wished.

33. The Students' League had expressed dissatisfaction, due in part to the fact that under the terms of the new legislation persons who had received primary education but were not making any real effort to enter into working life were henceforth required to undergo vocational training in order to continue to receive unemployment benefits. He was personally convinced that, if the problem was one of lack of jobs, the Government would not abandon the unemployed.

34. It was true that the subsidies granted to refugees were lower if they were not deemed to be "resident"; even so, they enabled the beneficiaries to live decently.

Implementation of article 10 of the Covenant

35. Ms. BONOAN-DANDAN considered the written reply of the Government to the Committee's question No. 33, concerning the situation of ill-treated or unhappy children, inadequate. It stated what should or must be done without clearly describing the concrete measures taken.

36. In contrast, the problem of violence against women was described in detail, and the picture was an alarming one in comparison with the general situation in a country the Government of which appeared concerned to protect its citizens. Admittedly, the problem was difficult to solve, since cases occurred mainly within a family context. The Committee would like more specific information on the government action referred to in the last paragraph of the Government's reply.

37. Mrs. AHODIKPE asked for information on adoption and an explanation of the term "matrimonial regime under general legislation". She asked whether, in the event of a divorce, equality between the spouses was maintained, and what became of assets acquired during the marriage.

38. Mr. GRISSA, commenting on paragraphs 241-244 of the report, expressed concern regarding cases of children of unmarried couples who separated; it was difficult to protect their rights if there was neither legislation on the subject nor a marriage contract.

39. Ms. JIMENEZ BUTRAGUEÑO asked whether, in view of the large number of older people in Finland, families looking after aged parents and grandparents received assistance. She also asked whether family courts existed.

40. Mr. SALMENPERÄ stated that the problem of sexual violence was well known, but that very little information on the subject was as yet available, as serious study of the problem had begun only recently. He hoped to be able to provide additional and encouraging information in the next report.

41. In contrast, violence within the family had been studied in greater depth, and the Government did have statistics on the subject. But finding solutions was more difficult, as the problem was frequently due to alcoholism. There was a programme in Finland to combat alcoholism, subsidized from public and private funds; there were also family counselling services.

42. In reply to the question on what became of assets acquired during the marriage when the spouses separated, he stated that if an agreed settlement proved impossible, the courts would rule. The protection of children of unmarried couples who separated was safeguarded by law, which stipulated the continued responsibility of the parents. However, in such cases the problem was not purely economic; it was also psychological, as the children might suffer from being separated from one of their parents.

43. Ms. JOUTTIMÄKI (Finland) said that persons looking after their parents or other aged persons in their homes received social benefits, and that they were authorized by law to take special leave with a guarantee of subsequently recovering their jobs. In addition, municipal authorities were empowered to grant them financial aid and to provide the assistance of, for example, nurses and home helps.

44. As regards violence against children, a government-financed programme had been started to enable professionals in the fields of health care, education and social work to obtain more information on the subject and to take better care of ill-treated children. However, the number of cases detected was relatively small. Finally, the Penal Code had been amended in December 1995 to enable proceedings to be taken against persons committing acts of violence within the family unit.

45. Mr. SALMENPERÄ (Finland) stated that there were no special courts to take cognizance of family matters.

Implementation of article 11

46. Mr. TEXIER observed that in Finland the rate of unemployment was relatively high; he consequently imagined that a number of jobless persons were long-term unemployed whose incomes had fallen considerably. He would therefore be interested to know whether there was a guaranteed minimum income for, among other groups, the long-term unemployed. In addition, he had reason to believe that there were very few squatters in Finland. He asked whether that information was correct and, if not, what the attitude of the judiciary and the political authorities was on the subject.

47. Ms. JIMENEZ BUTRAGUEÑO asked what had been the consequences of the liberalization of rents.

48. Mr. ADEKUOYE asked whether information that municipal authorities had taken decisions discriminating against migrant workers and minorities in the field of housing allocation was correct and whether the Finnish authorities had taken measures to protect the persons concerned from all discrimination.

49. Mr. SALMENPERÄ (Finland) said that a guaranteed minimum income, payable regardless of the length of time the person concerned had been unemployed, did exist.

50. Cases had occurred of squatters moving into unoccupied buildings; but the political authorities had always chosen to deal with the problem by negotiation. However, no case of that kind had been reported recently.

51. It was true that rents had risen following the adoption of legislation liberalizing them; but an increase in the number of dwellings offered for rent had also been observed. In any case, housing subsidies were granted to the most disadvantaged.

52. As regards the question of discrimination in the allocation of housing, it should be mentioned that the subject was recently brought up by the parliamentary mediator. It might well be true that certain municipal

authorities had made decisions discriminating against migrant workers or members of minorities. Even though the problem was not widespread, it might be necessary to take legislative action. However, a person who considered himself discriminated against in this field could resort to the established remedial processes.

53. Mr. Grissa took the Chair.

Implementation of article 12

54. The CHAIRPERSON observed that the written replies submitted by the Finnish delegation did not contain any statistical information concerning the scale of the AIDS epidemic, the speed at which the disease was spreading or the social groups most affected.

55. On the subject of protection of the environment, he recalled that a certain number of accidents, such as the Chernobyl explosion and the oil leaks in the Russian Federation, had occurred not far from the frontiers of Finland. He asked whether those accidents had had any effect on the environment in Finland and what measures the authorities had taken in that field.

56. Ms. JIMENEZ BUTRAGUEÑO asked whether the budget restrictions applied in the health field had had consequences for older persons. She also asked whether the Finnish authorities stressed prevention in the campaigns against AIDS, alcoholism and drug addiction.

57. Mr. ADEKUOYE stated that the reply to question No. 45 in the list of issues to be taken up, as contained in the written replies submitted by the Finnish delegation, was incomplete.

58. Mr. CEAUSU was impressed by the seriousness of the problem of alcoholism in Finland and by the efforts made by the authorities to address the problem and its consequences. In that connection he asked whether the consumption of alcohol was regulated, as it was in other Nordic countries, and also asked for details on the manner in which the Government of Finland envisaged dealing with the problem of alcoholism. The impression left by the report and the written replies was that Finnish society had not studied the problem and the factors giving rise to behaviour of that type in any depth.

59. Mr. MARCHAN ROMERO remarked that, although in Finland the sale of alcohol was strictly regulated, alcohol consumption was extremely high. One might therefore infer that a problem of alcohol smuggling existed. It would be interesting to know whether the Finnish delegation had any statistics on the subject.

60. The CHAIRPERSON had reason to believe that the European authorities had requested Finland and Sweden to liberalize the sale of alcohol, which was a State monopoly in both countries, and that proceedings were under way before the European Court of Justice. He asked what stage had been reached in the negotiations on the subject.

61. Mr. Alston resumed the Chair.

62. Mr. ADEKUOYE asked why so many individuals drank heavily and if the reason underlying that phenomenon was of a psychological or a climatic nature.

63. Mr. ALVAREZ VITA asked what measures had been taken by the Government to combat alcoholism among older people.

64. Mr. SALMENPERÄ (Finland) said that the State, which had the monopoly of distribution of alcoholic drinks, had for many years been limiting alcohol consumption with a significant degree of success. That policy was liable to be undermined if the European Union required Finland to liberalize alcohol sales. It was to be hoped that that liberalization would not take place all at once and that the country would be allowed a period of transition which would enable it to conduct a campaign to promote greater awareness in public opinion.

65. The causes of alcoholism were difficult to determine. It might be due to an attraction exercized by alcohol on account of the restrictions on its consumption, or possibly to psychological problems caused by the economic recession. As regards alcoholism among older people, which was often caused by loneliness, the Government had launched a remedial programme. However, the problem of alcoholism was not as serious as had been suggested. To realize this one only had to compare the situation in Finland with that in other countries.

66. As regards smuggling, it was true that alcohol was being introduced illegally into Finland, in particular from Estonia and Russia. The Government had taken measures to put down the traffic.

67. On the subject of AIDS, it was to be noted that, thanks to the policy of prevention followed by the Government until the present time, and which it intended to continue to apply, there were in October 1996 only 777 persons suffering from HIV infection.

68. As regards cross-frontier pollution, the Government was collaborating with neighbouring countries (and particularly the Russian Federation) in remedial action.

69. Mr. MARCHAN ROMERO asked whether advertising for alcoholic drinks was prohibited.

70. Ms. JIMENEZ BUTRAGUEÑO asked whether minors had the right to buy alcoholic drinks.

71. Mr. SALMENPERÄ stated that advertising for alcoholic drinks was totally prohibited and that the sale of alcoholic drinks to persons under age 18 was also prohibited.

Implementation of article 13 of the Covenant

72. Mr. THAPALIA asked what measures had been taken by Finland within the context of the United Nations Decade for Human Rights Education and whether the members of the armed forces received training in the subject, particularly with regard to torture and acts of violence against women and children.

73. Ms. JIMENEZ BUTRAGUEÑO asked whether the Government promoted sports and other activities of a nature to develop a sense of solidarity and certain ethical values among young people so that they would not take refuge in alcohol or drugs.

74. Mr. GRISSA asked why most women still seemed to be confined in jobs in the health and education sectors, which were generally badly paid. He was also surprised that in such a developed country as Finland the percentage of holders of higher education diplomas in the total population was relatively small.

75. Mr. AHMED asked why the drop-out rate among Roma and Sami children was very high.

76. Mr. CEAUSU had observed a statement in the written replies of the Government to the effect that approximately 20 per cent of young people in any given age group undertook university-level studies. He asked for more detailed information on the difficulties encountered by those young people in finding work after completing their studies. It would also be useful to know the rate of illiteracy among Roma and Sami children.

77. Ms. JIMENEZ BUTRAGUEÑO asked what measures were being taken to ensure that the training imparted in the educational system matched the needs of enterprises.

78. Mr. SALMENPERÄ (Finland) stated that a seminar would shortly be organized in Turku within the framework of the United Nations Decade for Human Rights Education.

79. As regards the choice of a job, it appeared that men and women had different tastes; but the Government's unwavering policy was one of reducing inequalities between men and women. That was a long-term task.

80. On the question of higher education, it was true that young degree-holders sometimes had difficulty in finding work; but the Government did not intend to slacken its efforts in that field. It was endeavouring to strengthen cooperation between universities and enterprises, the better to equip the country to face up to international competition.

81. The high drop-out rate from school among Roma and Sami children was due to the insufficient numbers of qualified teachers. The Government was aware of that problem and had taken remedial measures. The fact that children who dropped out from school had had time to learn to read and write deserved mention.

82. Sports were practised by young Finns in large numbers, and associative activities were highly developed.

The meeting rose at 6 p.m.